

Massachusetts Oceans Planning Public Listening Sessions

DRAFT Summary of Issues

I. INTRODUCTION

From September 18-October 30, the Massachusetts Executive Office of Energy and Environmental Affairs hosted eighteen public listening sessions in communities across the state. The goals of the sessions were to a) inform the public about the Oceans Act and b) solicit public input on the development of the Massachusetts MA Ocean Management Plan that was mandated by the 2008 Massachusetts Ocean Act. At the Listening Sessions, participants were encouraged to comment on what goals they would like to see accomplished through the MA Ocean Management Plan.

More than 350 people participated in listening sessions held in Boston, Eastham, Fall River, Gloucester, Lowell, Nantucket, New Bedford, Norwell, Oak Bluffs, Pittsfield, Plymouth, Salem, Salisbury, Springfield, West Barnstable, Weymouth, Woods Hole, and Worcester. Participants self-identified as unaffiliated citizens or representatives affiliated with environmental and community organizations, research and academic institutions, the fishing industry, the recreation and tourism industry, government agencies, commissions or local boards, the energy industry, and business owners.

TABLE 1: NUMBER OF PARTICIPANTS AT LISTENING SESSIONS (*estimated based on sign-in sheets*)

<i>1-10</i>	<i>10-20</i>	<i>20-30</i>	<i>30-40</i>	<i>40-50</i>	<i>50-60</i>
<ul style="list-style-type: none"> • Norwell • Fall River • Lowell • Pittsfield • Springfield • Weymouth • Worcester 	<ul style="list-style-type: none"> • Martha's Vineyard • Plymouth • Salisbury • West Barnstable 	<ul style="list-style-type: none"> • Eastham • New Bedford • Salem • Nantucket 	<ul style="list-style-type: none"> • Gloucester • Woods Hole 		<ul style="list-style-type: none"> • Boston

TABLE 2: TOTAL STAKEHOLDER REPRESENTATION AT EIGHTEEN LISTENING SESSIONS (*estimated based on sign-in sheets*)

<i>Stakeholder Group</i>	<i>Total number</i>
Citizen/Unaffiliated	110-120
Environmental & Community Organizations	50-60
Research & Academic Institutions	10-20
Fishing Industry	10-20
Recreation Industry	1-10
Government (state or local)	50-60
Energy Industry	10-20
Business Owner	1-10
Other	10-20

II. PUBLIC LISTENING SESSION COMMENTS

Participants in public Listening Sessions around the state expressed a range of views about what they would like to see included or not included in the MA Ocean Management Plan and how the MA Ocean Management Plan should be developed, managed, and implemented. The open-ended nature of the public comment format resulted in some very specific suggestions along with more broad conceptual ideas and opinions. This section reports on both specific and conceptual inputs heard across the eighteen public listening sessions. This summary does not present comments per Listening Session. Instead it organizes comments by theme— components of a good integrated MA Ocean Management Plan, approaches to the planning process, and regulatory considerations. It also presents an overview of the frequency with which specific issues were raised at the Listening Sessions (See Table 3 in which high frequency is more than 10 mentions, medium is 4-9 mentions, and low is 2-3 mentions.)

A. SUBSTANTIVE COMPONENTS OF A GOOD INTEGRATED MA OCEAN MANAGEMENT PLAN

Participants offered comments on issues of importance to them in a MA Ocean Management Plan. While many comments cut across several issues (such as fishing as both an economic and an species issues), this summary organizes comments into one of the following broad categories: 1) Economy 2) Energy¹ 3) Species and Habitats 4) Navigational Safety 5) Public Trust 6) Research Uses 7) Hazards 8) Other Uses.

1) ECONOMY

The use of the ocean for economic benefits was raised in all Listening Sessions. Speakers expressed general support for using the ocean to create jobs and economic benefits for local communities. Several noted that the MA Ocean Management Plan should place a priority on economic uses that do not adversely impact ocean ecology and critical habitat. Others commented that economic development generated by ocean uses should not interfere with public use of the resource. Specific suggestions and ideas included:

- **Aquaculture** - Speakers in several sessions raised the issue of offshore aquaculture. They suggested identifying areas where aquaculture facilities could be developed with sufficient environmental protections.
 - Identify areas for demonstration farms, large and small scale operations, and shellfish aquaculture
- **Fishing Industry** – Speakers in many sessions commented on the state of the local fishing economy and emphasized the need to protect traditional ocean-based industries.
 - Protect fish and shellfish habitats from negative impacts caused by competing uses including transportation corridors and energy development
 - Map and protect important fishing resources (see Issue 3, Species and Habitats)
- **Shipping** – Some speakers suggested maintaining appropriate areas for shipping lanes.
 - Preserve and increase lanes for short-sea shipping and public transportation (commuter and tourist boats)
 - Identification of new shipping lanes should be regionally focused and coordinated
- **Tourism** – Some speakers suggested prioritizing uses that promote tourism, including boat transportation corridors and sightseeing (including whale watches, fishing trips, wind farms).

2) ENERGY

Alternative Energy - The use of the ocean for alternative energy, specifically offshore wind energy, was raised in all Listening Sessions. Commenters in some sessions mentioned tidal and wave energy development. Most speakers expressed general support for identifying areas that are “appropriate” for offshore wind development. Specific suggestions and ideas included:

¹ While the use of the ocean for energy development is also an economic use, comments related to energy are presented in separate category

- **Appropriate Siting** - Many voiced the need for identifying and mapping areas that are “appropriate” for wind development. Suggested criteria for “appropriate” included:
 - Does not cause harm to endangered, unique, threatened species or habitat
 - Does not cause adverse economic impacts to local industries, including tourism, fishing recreation, and transportation
 - Provides cost effective and profitable energy generation opportunities (is scalable)
 - Provides benefits to local communities, such as energy self-sufficiency, job creation, new fishing habitat, energy rate benefits, mitigation funding, and income sources
 - Is located in federal waters only
- **Prioritizing Uses** - Some felt that wind development should be designated a “priority use” of the ocean.
- **Viewshed Protection** - Some felt that there should be areas that are designated “off-limits” to wind development due to viewshed impacts.
 - Nantucket, Cape Cod National Seashore, and the Salisbury Beach area were mentioned.
- **Community Collaboration**— Some felt that the MA Ocean Management Plan should include requirements for collaboration between wind developers with other community stakeholders, including municipal officials and fishing communities, so that there is sufficient public input and shared benefits are realized.
- **Scalable Opportunities** - Zone for scalable, large-scale wind development, in the appropriate areas, so that wind production can be profitable and efficient.
- **Buffer Zones** - Do not assume no-fishing buffer zones are necessary around wind turbines. There is often good fishing around turbine structures.
- **Wind Turbine Life Cycle** - Adopt decommissioning measures to ensure that the end life of wind turbines will be handled appropriately.
- **Risk Assessment Requirements** - Require energy development projects to undergo the highest level of risk assessment possible, or at least as high as is required for on-shore development projects.
- **Streamlined Permitting** - Provide a streamlined state approval and permitting process for wind development if it meets the requirements of the MA Ocean Management Plan.
- **Research and Pilot Projects** - Zone for smaller-scale energy pilots and installations, such as tidal energy or hydroelectric.

Other Energy Sources- Speakers in several sessions commented on ocean uses for other forms of energy. Specific suggestions and ideas included:

- **Natural Gas**- Zone for LNG terminals and associated shipping routes.
- **Trade-offs** - Increased wind development should be accompanied by reductions in oil transportation in regional waters.

3) SPECIES AND HABITATS

Species and habitat management and protection issues were raised at all Listening Sessions. Speakers suggested that the MA Ocean Management Plan include consideration and protection of sensitive, unique, threatened species and habitats, as well as species of economic importance. Specific suggestions and ideas included:

- **Ecosystem-based Approach** – Many suggested an ecosystem-based approach to developing the MA Ocean Management Plan.

- **Habitat Zoning**— Several suggested zoning that protects sensitive, unique, threatened species and their habitats.
- **Habitat Restoration and Creation**— Several suggested identifying areas for habitat restoration to support ecological diversity, recreational, and commercial uses.
- **Access to Information**— Some suggested development of a public database with information on species numbers, locations, changing conditions, etc.
- **Birds**— Several suggested protecting critical bird habitat from ocean development, including offshore wind.
 - Protect areas that migratory shore birds use for foraging, etc.
- **Fisheries**— Many suggested identifying and protecting critical fish habitat from ocean development, including offshore wind, mining, pipelines, recreation, waste discharge, and potential damage from spills or accidents. Species mentioned included lobsters, shellfish and ground fish
- **Marine Mammals**— Many suggested that whale habitats be protected by limiting transportation and offshore development.
- **Biodiversity**— Develop targets for biodiversity preservation and ensure benthic and biotic habitat diversity.
- **Tidal Circulation**— Identify and protect tidal circulation patterns.
- **Water Quality Safeguards**— Adopt and enforce use-specific water quality standards for ocean uses, such as wind development, transportation, waste disposal, etc.

4) NAVIGATIONAL SAFETY

Navigational safety issues were raised in a couple of Listening Sessions. Speakers identified a need to update navigational safety considerations as new ocean uses are permitted. Specific suggestions and ideas included:

- **Wind Turbines**— Include safety standards for areas around wind installations – both pre-and post-construction.
- **Shipping Route** – Consider navigational safety issues related to transportation and shipping lanes, including oil and natural gas shipping routes.
- **Ferry Routes** - Avoidance of impacts on ferry routes needs to be considered as plan is developed.

5) PUBLIC TRUST— PUBLIC USE

Issues related to public trust and public uses of the ocean were raised at most Listening Sessions. Speakers noted that public use of the ocean should not be compromised by private sector endeavors, including energy development, transportation, and research. Specific suggestions and ideas included:

- **Navigational Access** - Several suggested that public rights to navigate and access waterways should be protected:
 - If areas are designated off-limits for recreational navigation, then other areas should be made available for public use.
- **Private Sector Use** -Several expressed concern about private sector use of ocean resources and want measures to:
 - Ensure adequate community input in decision-making on project development
 - Protect public recreational access
 - Protect local fishing industry
 - Protect waters from pollution from offshore developments
 - Protect critical, unique, threatened habitat and species
 - Ensure economic or other benefits to the public from private use

- **Viewsheds**- Some would like to see important viewsheds identified and protected from offshore development.
- **Habitat Creation** - Identify areas for habitat creation programs that will benefit recreational and commercial fishing.

6) RESEARCH USES

Research use issues were raised at a few Listening Sessions. Most speakers wanted to accommodate ongoing and potential research uses, however some urged that research not harm species, habitats, or local economies. Specific suggestions and ideas included:

- **Future Research** – Allow flexibility for research opportunities that may present themselves in the future, such as exploration for wave energy generation.
- **Green Fleets** – Support research that contributes to the development of renewable resources and best practices for “green” ocean transportation, including fishing and transportation vessels.
- **Species Research** - Develop standards for research capture or take of species for scientific research to ensure that species are not depleted.

7) HAZARDS

Hazards and hazards mitigation issues were raised in several Listening Sessions. Speakers supported identifying areas for sand mining and dredging for erosion and storm protection purposes. Specific suggestions and ideas included:

- **Beach Erosion** -Several raised concerns about beach erosion and protection from storm events and their impacts on private property values, recreational use of beaches and beach habitat.
- **Sand Mining and Dredging** - Several proposed identifying sand mining for areas that need beach nourishment.
 - Location of sand mining should be located near areas that need the sand
 - Dredging should not occur in fish habitat areas
- **Ocean Floor Hazards** - Identify areas with ocean floor hazards, such as sunken ships, and adopt standards for removal of hazards.
- **Climate Change**- The plan should anticipate accommodation for climate change impacts, including impact from rising sea level.

8) OTHER USES

Participants raised other issues that should be considered under the MA Ocean Management Plan. Specific suggestions and ideas included:

- **Ocean Outfall Discharge**– Some participants suggested allowing for ocean outfall discharge, with appropriate standards and oversight.
- **Dredging** – Some participants suggested allowing for dredging in designated areas to manage waste, facilitate shipping, and control erosion.

B. APPROACHES TO THE PLANNING PROCESS

Many speakers offered process suggestions related to MA Ocean Management Plan development and implementation. These comments were often broad in scope; however, specific suggestions were offered on 1) Development of the MA Ocean Management Plan 2) Ongoing Implementation and 3) Regulatory Issues. Comments reflected a general expectation that the MA Ocean Management Plan will balance economic, energy, conservation, recreation, and access interests, and will take into account protection of the generally positive quality of life aspects that the ocean provides for MA citizens.

1) DEVELOPMENT OF THE MA OCEAN MANAGEMENT PLAN

Issues related to the development of the MA Ocean Management Plan were raised at all Listening Sessions. Many speakers commented on the need for a scientifically rigorous process, based on sound science and current data. Several stressed using an ecosystem-based management approach, while others emphasized sustaining local economies. Many speakers noted that ongoing public input and outreach to diverse stakeholders was a critical component of plan development. Specific suggestions and ideas included:

- ***Ongoing and Additional Stakeholder Engagement***— Many noted that ongoing dialogue with stakeholders and the public is very important. Suggestions for additional outreach included:
 - Conduct additional outreach with residents from Dukes County, Nantucket County, Barnstable County, fishing community, business owners, regional NGOs (Gulf of Maine Council and Rhode Island-based NGOs), local and municipal representatives, and the town of Nahant
 - Publish updates and materials in the *Environmental Monitor*
 - Include a citizen representative on the Ocean Advisory Commission
- ***Scientifically Rigorous Approach***— Many commented that the process should be based on sound science and data. Some felt that adequate mapping data, habitat and species evaluation data, and economic impacts data are not currently available and questioned if there would be enough time to generate those data before the deadline.
- ***Ecosystem-based*** — Several commented that the MA Ocean Management Plan should be ecosystem-based, indicating that ecosystem well-being should be the first priority and should inform other ocean uses. Some suggested a precautionary approach to ecosystem management.
- ***Public need-based*** — Some suggested that the MA Ocean Management Plan be based on public needs, including economic, recreational, and aesthetic (viewshed) ocean needs.
- ***Performance Standards***— Develop performance standards for all ocean uses, including energy development, aquaculture, and commercial uses, so that potential project impacts may be evaluated and avoided.
- ***Regional Approach*** — Develop regional management plans for the Ocean Sanctuary Act regional zones.
 - Include additional focal zones for Buzzards Bay and one for Massachusetts Bay

2) ONGOING IMPLEMENTATION

Speakers in several Listening Sessions commented on issues related to implementation of the MA Ocean Management Plan. Specific suggestions and ideas included:

- ***Flexibility*** — Several noted that the MA Ocean Management Plan should be flexible enough to incorporate new data and information as it becomes available.
- ***Appeals Process*** — Need a mechanism for appealing decisions made under the new MA Ocean Management Plan.
- ***Funding*** — Solicit corporate subsidies from ocean users to implement the MA Ocean Management Plan.

- **Decision-making** – Several commented on decision-making and noted that decisions about the MA Ocean Management Plan should be made in a transparent manner by an impartial body.
- **Public Input and Transparency**– as the MA Ocean Management Plan evolves, there should be continuous public input and engagement.
 - A process for public input should be included in the Five-Year Plan review
- **Research Needs** – Speakers identified data and research topics that should be included in the planning process, including:
 - Aesthetic viewsheds
 - Shellfish and fish habitat
 - Sensitive, unique, and threatened species habitat
 - Fishing grounds
 - Energy/wind facility siting locations
 - Shipping lanes
 - Sand mining locations
 - Seafloor mapping
 - Overlay of offshore resource opportunities and potential conflicting interests
 - System for sharing data gathered in this process with developers, researchers, and the public

3) REGULATORY CONSIDERATIONS

Speakers offered comments related to regulatory issues, including permitting for ocean uses, inter-governmental coordination, and MA Ocean Management Plan enforcement. Specific suggestions and ideas included:

- **Jurisdictional Coordination** – Several noted the need for coordination between local, regional, state, and federal agencies, noting that each level of government has laws and/or regulations that manage the same resources.
 - Coordinate overlapping regulatory and decision-making processes
 - Coordinate with new MMS regulations on offshore wind development
 - Be consistent with existing local coastal management plans
- **Home Rule** – Several municipal and regional government authorities suggested that the MA Ocean Management Plan protect local authorities' rights to manage local resources.
- **Federal and State Jurisdiction Impacts** – Several suggested considering how the MA Ocean Management Plan will impact areas outside of the three-mile zone and visa versa.
 - Address jurisdictional sliver between Stellwagen Bank and state waters
 - Provide coordination for joint state and federal management of Nantucket Sound
 - Consider migratory patterns of species between local, state, and federal waters
 - Consider impacts of development projects in federal waters on state ocean resources
- **Streamline Permitting and Management** – Some noted that the MA Ocean Management Plan should promote predictability in the permitting process for ocean uses, including energy and aquaculture, and streamline the process for uses that meet MA Ocean Management Plan criteria.
 - Consolidate waterways program, DEP oceans sanctuary program, and dam program under one jurisdiction
- **Coordinating Land and Ocean Uses** – Consider how to manage land-based pollution that impacts state waters (such as run off or discharge).

TABLE 3: FREQUENCY OF ISSUES RAISED AT EIGHTEEN LISTENING SESSIONS (*estimates based on review of Listening Session transcripts.*)

<i>High Frequency</i> <i>(issue raised 10+ times)</i>	<ul style="list-style-type: none"> • Alternative energy – wind • Jurisdictional coordination (local, state, and federal) • Protection of unique, sensitive, or threatened species • Protection of local fishing industry interests in access, fisheries protection • Importance of continued citizen engagement and outreach • Eco-system based approach • Ocean as a public trust resource
<i>Medium Frequency</i> <i>(issue raised 4-9 times)</i>	<ul style="list-style-type: none"> • Sound science - approach • Aquaculture • Flexibility to incorporate data on an ongoing basis • Shipping and transportation • Beach erosion control and mitigation • Recreational access and uses • Job creation • Biodiversity • Viewsheds • Research uses
<i>Low Frequency</i> <i>(issue raised 2-3 times)</i>	<ul style="list-style-type: none"> • Tourism • LNG transportation • Navigational safety • Ocean outfall discharge • Land based impacts • Habitat creation • Dredging

III. ANALYSIS OF PUBLIC LISTENING SESSIONS

The CBI team attended nine public Listening Sessions and reviewed transcripts from all eighteen. Based on these experiences and our work on multi-stakeholder engagement and public decision-making processes we offer a few recommendations for the ongoing MA Ocean Planning process.

Public Participation and Representation

In our experience it is not uncommon to have variable participation in public meetings. Participation was, not surprisingly, low in non-coastal communities, including Worcester, Springfield, Pittsfield, and higher in urban and historically active coastal communities, including Boston, Gloucester, and Woods Hole. There was strong

participation from fishing industry representatives, state and local government representatives, and both environmental and community organizations.

There was lower participation from recreational user groups and ocean-dependent business groups. Listening Session observation revealed that there were very few minority group representatives, youth, and Native American participants in the public Listening Sessions.

Key Issues

Despite variable attendance at the public Listening Sessions, several issues were raised with medium and high frequency. It is not surprising that issues that have occupied the media and which attract large constituent interest and/or support such as wind energy, fishing industry and local economy, habitat and species protection, and public access were raised at multiple sessions. The following is a qualitative analysis of where key issues were raised and by whom:

- Speakers that identified themselves as citizens or community group members commented most on wind energy siting. Representatives from environmental organization, fishing industry, and recreational groups also spoke about wind energy.
- Speakers that identified themselves as fisherman and residents in ocean communities including Gloucester, Woods Hole, New Bedford, were most likely to speak about fishing.
- Speakers that identified themselves from environmental organizations or academic institutions were most likely to comment on habitat and species protection. Environmental organizations often sent representatives (or the same representative) to multiple Listening Sessions.
- Speakers that identified themselves as local government representatives or from regional commissions frequently mentioned jurisdictional coordination, specifically protection of local authority. A range of speakers also raised jurisdictional coordination in the context of offshore wind energy development.
- Protection of public trust and public use of the ocean was raised by a range of participants.

Assessment of issues that were not mentioned frequently – or at all – is also interesting. Infrastructure for traditional energy sources, such as LNG, which has been a highly controversial issue in the past, was not mentioned frequently. Ocean outfall discharge was raised in two sessions, however other waste management issues were not frequently mentioned. Climate change impacts, including sea-level rise, were not raised in public comments.

Key Potential Conflicts

Listening Session speakers had a difficult time discussing and/or envisioning trade-offs in ocean uses. Speakers had clear ideas about what they would like to see included (protected/managed/restricted) and they acknowledged that balancing diverse uses would be necessary, however, they did not offer suggestions on how trade-offs might be structured. Based on analysis of the transcripts, potential conflicts or challenges that participants noted include:

- Balancing offshore wind development with fishing, recreational, and environmental uses
- Accommodating sand mining and sufficient habitat protection
- Supporting aquaculture and local fishing economies
- Determining how to address activities just outside of state jurisdiction – in local or federal waters
- Developing shipping and transportation routes without limiting recreational and habitat uses and maintaining public safety
- Incorporating a fisheries management overlay on the MA Ocean Plan
- Adapting to new information and changes to the MA Ocean Plan over time

